

Army Regulation 500-50

**EMERGENCY EMPLOYMENT OF ARMY
AND OTHER RESOURCES**

CIVIL DISTURBANCES

**Headquarters
Department of the Army
Washington, DC
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SUMMARY of CHANGE

AR 500-50
CIVIL DISTURBANCES

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EMERGENCY EMPLOYMENT OF ARMY AND OTHER RESOURCES

CIVIL DISTURBANCES

By Order of the Secretary of the Army:

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Chief of Staff

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The Adjutant General

History. This publication has been reorganized to make it compatible with the

Army electronic publishing database. No content has been changed.

Summary. This is a complete revision of AR 500-50 and changes are made throughout. Local limited supplementation of this regulation is permitted but is not required. If supplements are issued, Army Staff agencies and major Army commands will furnish one copy of each to the Deputy Chief of Staff for Operations and Plans (HQDA(DAM-ODS) WASH, DC 20310).

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Chapter 1 GENERAL

1-1. Scope

This regulation prescribes responsibilities, policy, and guidance for the Department of the Army in planning and operations involving the use of Army resources in the control of actual or anticipated civil disturbances. Basic authority is contained in DOD Directive 3025.12, Employment of Military Resources in the Event of Civil Disturbances.

1-2. Explanation of terms

a. Civil authorities are those elected and appointed public officials and employees who constitute the governments of the 50 States, District of Columbia, Commonwealth of Puerto Rico, US possessions and territories, and political subdivisions thereof.

b. Civil disturbances are group acts of violence and disorders prejudicial to public law and order within the 50 States, District of Columbia, Commonwealth of Puerto Rico, US possessions and territories, or any political subdivision thereof. The term civil disturbance includes all domestic conditions requiring or likely to require the use of Federal Armed Forces pursuant to the provisions of 10 USC chapter 15.

c. Federal property is property owned, leased, possessed, or occupied by the Federal Government.

d. Federal function is any function, operation, or action, carried out under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof.

e. The Posse Comitatus Act (18 USC 1385) prohibits the use of the Army and Air Force to execute local, State or Federal laws, unless authorized by the Constitution or act of Congress.

f. An objective area is the city or other geographical location where a civil disturbance is occurring or is anticipated, and where Federal Armed Forces are, or may be, employed.

1-3. Basic policies

a. The protection of life and property and the maintenance of law and order within the territorial jurisdiction of any State are the primary responsibilities of State and local civil authorities. Generally, Federal Armed Forces are employed after State and local civil authorities have utilized all of their own forces which are reasonably available for use, and are unable to control the situation, or when the situation is, beyond the capabilities of State or local civil authorities, or when State and local civil authorities will not take appropriate action. Employment of Federal Armed Forces will take place only—

(1) under the provisions of this regulation; and

(2) when the Secretary of the Army, pursuant to the orders and policies of the Secretary of Defense and the President, has generally or specifically so ordered, except in cases of emergency (para 2-4). See paragraph 2-3.

b. The Secretary of the Army has been designated as the Executive Agent for the Department of Defense in all matters pertaining to the planning for, and deployment and employment of military resources in the event of civil disturbances. The Department of the Army is responsible for coordinating the functions of all the Military Services in this activity for the Executive Agent. The Secretaries of the other Military Services are responsible for providing such assistance as may be requested by the Executive Agent.

c. Requests from civil authorities, the National Guard, and non-DOD Federal agencies for US Army resources may be honored in accordance with chapter 4. However, requesters should be encouraged to provide sufficient resources of their own to minimize the need for reliance on Army assistance. Availability of such assistance is contingent upon military requirements for the requested resources.

d. Persons not normally subject to military law taken into custody by the military forces incident to the use of armed forces, as contemplated by this regulation, will be transferred, as soon as possible, to the civil authorities. Prior to the establishment and operation of Army detention facilities, the designated task force commander will verify the fact that available Federal, State, and local confinement facilities and personnel can no longer effectively accommodate the number of persons apprehended who are awaiting arraignment and trial by civil jurisdiction. Further, this authority may be exercised only in the event Federal Armed Forces have been employed under the provisions of this regulation and only with the prior approval of the Chief of Staff, US Army. When the requirement exists for the establishment and operation of Army detention facilities during civil disturbances, the provisions of AR 190-20 will be complied with.

e. Whenever military aid is requested by civil authorities in the event of civil disturbances within the States of Alaska or Hawaii, the Commonwealth of Puerto Rico, or US possessions and territories, the commander of the unified command concerned coordinates the provision of such aid as directed by the DOD Executive Agent and consistent with defense priorities.

f. Units and members of the Army Reserve in active Federal service may be employed in civil disturbance operations in the same manner as other active forces. Units and members of the Army Reserve may be ordered to active duty for this purpose by the President as provided by law. Members of the Army Reserve, with their consent, may be ordered to active duty for civil disturbance operations under the provisions of 10 USC 672.

g. Civil disturbance information on civilian individuals or organizations will not be collected unless these activities

can, in a reasonably direct manner, be related to a distinct threat of civil disturbance exceeding the law enforcement capabilities of local and State authorities. Collection of such information will be accomplished only on order of the Department of the Army following authorization by the Secretary or Under Secretary of the Army. (See para 3-1b(6) and 3-1c.)

1-4. Training

Training of Active Army USAR, and NG forces for civil disturbance operations will be conducted in accordance with current training directives. See paragraph 3-4.

Chapter 2

EMPLOYMENT OF FEDERAL ARMED FORCES

2-1. Common types

In addition to the provisions of the Constitution and other basic legal principles, there are numerous statutes authorizing the employment of Federal Armed Forces in cases of violence, or for other specific purposes, within any State and within the territories of the United States. The possibility of employment under many of these provisions is considered remote, and only those instances where employment is most likely are treated in this paragraph. Additional constitutional and statutory provisions are cited in paragraph 2-2.

a. To aid State civil authorities at the request of the State. Article IV, section 4, of the Constitution makes it the duty of the Federal Government at the request of the legislature of any State (or of the Governor if the legislature cannot be convened), to protect the State against domestic violence. Congress has enacted legislation authorizing the President to utilize Federal Armed Forces for this purpose. See 10 USC 331, 3500.

b. To enforce Federal authority. Article II, Section 3, of the Constitution makes it the duty of the President to see that the laws of the United States are faithfully executed. Congress has implemented this provision by providing that whenever the President considers that unlawful obstructions, combinations, or assemblages, or rebellion against the authority of the United States, make it impracticable to enforce the laws of the United States in any State or territory by the ordinary course of judicial proceedings, he may utilize such Federal Armed Forces as he deems necessary to enforce those laws or to suppress the rebellion. See 10 USC 332, 3500.

c. To protect the civil rights of citizens within any State. The 14th Amendment of the Constitution forbids any State to deny equal protection of the laws to any person within its jurisdiction. In implementation of this provision and of Article II, Section 3, mentioned above, Congress has provided that whenever insurrection, civil violence, unlawful combinations, or conspiracies in any State so oppose, obstruct, or hinder the execution of the laws of the State, and of the United States, as to deprive any of the population of that State of rights, privileges, and immunities named in the Constitution and secured by laws, and the authorities of that State are unable, fail, or refuse to provide such protection, it will be deemed a denial by that State of the equal protection of the laws. Thereupon, it becomes the duty of the President to take such measures, by intervention with Federal Armed Forces, or by other means, as he deems necessary, to suppress such disturbances. See 10 USC 333, 3500.

2-2. Other statutory provisions

a. Insurrection after intervention (see also para 2-1a, b, and c). See 12 Stat. 257, 284 50 USC 205.

b. Military areas and zones. See 18 USC 1383.

c. Miscellaneous. The President is authorized by statutes to employ, at his discretion, the military forces for the following purposes. (See statutes cited for full text of laws, only the general purposes of which are herein stated):

(1) *Civil rights.* To authorize persons appointed to execute warrants issued to enforce certain law enacted for the safeguarding of civil rights to summon the land and naval forces for assistance. See 36 Stat. 1167, 42 USC 1989.

(2) *Indians.* To remove unauthorized persons from lands belonging by treaty to Indian tribes. See 4 Stat. 730, 25 USC 180.

(3) *Public lands.* For the preservation and protection of certain public lands and public lands generally. See 3 Stat. 651, 16 USC 593; See 1, act 3 March 1807, 2 Stat. 445; See 5, act 25 February 1885, 23 Stat. 322, 43 USC 1065; See 1, act 6 June 1900, 31 Stat. 618, 16 USC 78; act 30 March 1883, 22 Stat. 627, 16 USC 23.

(4) *Offenses against neutrality.* To enforce neutrality by preventing belligerents in foreign wars from using territory of the United States and to prevent the illegal exportation of war material. See See. 14, act 4 March 1909, 35 Stat. 1901, as amended, 22 USC 462; Sec. 4, title II, act 15 June 1917, 40 Stat. 225, 22 USC 408.

(5) *Customs and public health.* To enforce customs laws of the United States. See 12 Stat. 256, 50 USC 220.

(6) *Quarantine and health laws.* To aid in the execution of quarantine and health laws. See 1 Stat. 619, 42 USC 97.

(7) *Guano islands.* To protect the rights of the discoverer of a guano island. See 11 Stat. 120, 48 USC 1418.

2-3. Prerequisites of employment

a. At the request of a State (para 2-1a). Formal requests by a State for the assistance of Federal Armed Forces must originate with the legislature of the State concerned or with the Governor if the legislature cannot be convened, and should be made to the President. The Attorney General of the United States has been designated by the President to receive and coordinate preliminary requests from States for Federal military assistance under the authority cited in paragraph 2-1a. Should such an application, either formal or preliminary, be presented to a local commander, that commander will request the person making the application to transmit his request to the Attorney General. The commander will also inform the Army Chief of Staff of the fact of the request by the most expeditious means and will include a statement of all material facts known to him (exempt report, para 7-2o, AR 335-15).

b. Presidential proclamation. No employment orders will be issued by the Department of the Army for the purposes indicated in paragraph 2-1a, b, and c until the President directs the Secretary of Defense to take the necessary action. In practice this direction to the Secretary of Defense follows issuance of the proclamation required by law demanding that the insurgents cease and desist from acts of violence and disperse and retire peaceably forthwith. See 10 USC 334. This requirement does not preclude the alerting of forces and, if necessary, the prepositioning of forces by the Executive Agent. However, prepositioning of more than a battalion-sized unit will be undertaken only with the informal approval of the President.

c. Department of the Army approval. Due to the serious political and legal implications of employment of Federal Armed forces, prior Department of the Army approval of any intended employment is required in every case except for purposes indicated in paragraph 2-8 or action in an emergency as justified under paragraph 2-4.

2-4. Emergency

a. In cases of sudden and unexpected invasion or civil disturbance, including civil disturbances incident to earthquake, fire, flood, or other public calamity endangering life or Federal property or disrupting Federal functions or the normal processes of government, or other equivalent emergency so imminent as to make it dangerous to await instructions from the Department of the Army requested through the most expeditious means of communications available, an officer of the Active Army in command of troops may take such action, before the receipt of instructions, as the circumstances of the case reasonably justify. However, in view of the availability of rapid communications capabilities, it is unlikely that action under this authority would be justified without prior Department of the Army approval while communications facilities are operating. Such action, without prior authorization, of necessity may be prompt and vigorous but should be designed for the preservation of law and order and the protection of life and property until such time as instructions from higher authority have been received, rather than as an assumption of functions normally performed by the civil authorities. In the event of civil disturbances requiring action before the receipt of instructions, the officer taking such action will report immediately his action, and the circumstances requiring it, to the Director of Military Support (DOMS), Department of the Army (DACS-MSO-W), by the most expeditious means of communication available, in order that appropriate instructions can be issued at the earliest possible time (exempt report, para 7-2o, AR 335-15).

b. Emergency explosive ordnance disposal service and emergency firefighting assistance may be provided in accordance with paragraphs 4-2b(1)(c)1 and 2. Instances of such assistance, which relate to civil disturbances, will be reported in the format shown in figure 4-2.

2-5. Restrictions

a. Willful violation of the provisions of the Posse Comitatus Act (para 1-2e) is an offense punishable by fine or imprisonment, or both.

b. Federal law prohibits a person in the civil, military, or naval service of the United States from ordering, bringing, keeping, or having under his authority or control any troops or armed men at any place where a general or special elections being held, unless such force is necessary to repel armed enemies of the United States. Violations are punishable by fine or imprisonment, or both, and by disqualification from holding any office of honor, profit, or trust under the United States. See 18 USC 592 and 593.

2-6. Command authority

a. In the enforcement of the laws, Federal Armed Forces are employed as a part of the military power of the United States and act under the orders of the President as Commander in Chief. When employment of Federal Armed Forces has taken place, the duly designated military commander at the objective area will act to the extent necessary to accomplish his mission. In the accomplishment of his mission, reasonable necessity is the measure of his authority, subject, of course, to instructions he may receive from his superiors.

b. Federal Armed Forces employed in aid of the civil authorities will be, under the command of, and directly responsible to, their military and civilian superiors through the Department of the Army chain of command. They will not be placed under the command of an officer of the State defense forces or of the National Guard not in the Federal

service or of any local or State civil official. As directed by the Army Chief of Staff, military commanders will be responsive to authorized Federal civil officials.

2-7. Martial law

It is unlikely that situations requiring the employment of Federal Armed Forces during civil disturbance operations will necessitate the declaration of martial law. When Federal Armed Forces are employed in the event of civil disturbances, their proper role is to support, not supplant civil authority. Martial law depends for its justification upon public necessity. Necessity gives rise to its imposition; necessity justifies its exercise; and necessity limits its duration. The extent of the military force used and the legal propriety of the measures taken, consequently, will depend upon the actual threat to order and public safety, which exists at the time. In most instances, the decision to impose martial law is made by the President, who normally announces his decision, by a proclamation, which usually contains his instructions concerning the exercise of martial law and any limitations thereon. However, the decision to impose martial law may be made by the local commander on the spot, if the circumstances demand immediate action, and time and available communications facilities do not permit obtaining prior approval from higher authority (para. 2-4). Whether or not a proclamation of martial law exists, it is incumbent upon commanders concerned to weigh every proposed action against the threat to public order and safety so that the necessity therefor may be ascertained. Except in the limited circumstances mentioned in paragraph, 2-4, when conditions requiring the imposition of martial law arise, the military commander at the scene will so inform the Army Chief of Staff, and await instructions (exempt report, para 7-2o, AR 335-15). When Federal Armed Forces have been employed in an objective area in a martial law situation, the population of the affected area will be informed of the rules of conduct and other restrictive measures the military is authorized to enforce. These normally will be announced by proclamation or order and will be given the widest possible publicity by all available media. Federal Armed Forces ordinarily will exercise police powers previously inoperative in the affected area, restore and maintain order, insure the essential mechanics of distribution, transportation, and communications, and initiate necessary relief measures.

2-8. Protection of Federal property

a. The right of the United States to protect Federal property or functions by intervention with Federal Armed Forces is an accepted principle of our Government. This form of intervention is warranted only where the need for protection exists and the local civil authorities cannot or will not give adequate protection. This right is exercised by executive authority and extends to all Federal property and functions.

b. AR 210-10 recognizes the commander's authority to maintain law and order on a military installation. To maintain law and order and protect his installation and the activities thereon, the commander may take such actions as are reasonably necessary and lawful, including ejection from, or denial of access to, the installation of individuals who threaten a civil disturbance upon or directed against the installation or its activities (see 18 USC 1382). If appropriate, such individuals may also be apprehended or restrained in accordance with AR 600-40.

c. When the commander of a class II installation/activity under the jurisdiction of a major Army command is, reasonably certain that a civil disturbance presents a threat to persons, property, or functions on, his installation/activity which is beyond the combined protection capability of his own and civil law enforcement resources and those of the appropriate major command, the major commander concerned will request support directly from CG CONARC.

d. When the commander of a class II installation/activity under the direct supervision of Headquarters, Department of the Army, is reasonably certain that a civil disturbance presents a threat to persons, property, or function/activity which is beyond the combined protection capability of his own and civil law enforcement resources, he will request support through appropriate CONUS Army to CG CONARC or MDW to DA, (DACSMSO-W) and advise the appropriate headquarters, Department of the Army, staff agency of such request.

e. Upon receiving requests for assistance from commanders as indicated in c and d above, the CG CONARC, has authority to employ augmentation forces as required to reinforce the internal security forces of class II installations/activities. When such action is taken, the CG CONARC, will notify Department of the Army (DACS-AISO-W) through established command channels. If, however, because of its location within an area predominantly under civil rather than military jurisdiction, in the judgment of the major commander(s) involved there may be jurisdictional implications connected with the use of Federal troops to protect a class II installation/activity, no action will be taken until the appropriate major commander requests and receives specific instructions through established command channels from HQDA (DACS-MSO-W).

f. When an installation commander learns that a need for the protection of other Federal property or functions (except class I and class II installations/activities) exists, he will notify HQDA (DACS-MSO-IV) through established command channels.

2-9. End of commitment

The use of Federal Armed Forces for civil disturbance operations should end as soon as the necessity therefor ceases and the normal civil processes can be restored. Determination of the end of the necessity will be made by the

Department of the Army after coordination with the Department of Justice. The military, commander will submit his recommendations direct to HQDA (DACS-MSO-W) (exempt report, para 7-2y, AR 335-15).

Chapter 3

RESPONSIBILITIES

3-1. Department of the Army

Responsibilities assigned to the Secretary of the Army as DOD Executive Agent are contained in section VII, DOD Directive 3025.12. The following civil disturbance responsibilities are assigned within the Department of the Army:

a. Chief of Staff, US Army.

(1) Exercises, through designated task force commanders, direction of Federal forces employed for the purpose of civil disturbance operations.

(2) Informs the Secretary of the Army of unusual military resource requirements (actual or potential) and other significant developments in connection with civil disturbance planning and operations.

b. The Director of Military Support.

(1) Coordinates the functions of all the Military Services when Federal military aid to civil authority in civil disturbances is required.

(2) Develops policies and procedures for—

(a) Calling or ordering to active Federal service—

1. The Army National Guard units or members required to carry out the provisions of the Presidential Executive Order or other appropriate authority.

2. The specific Air National Guard units or members required to carry out the provisions of the Presidential Executive Order or other appropriate authority.

(b) Providing military resources of the United States Army, consistent with defense priorities, including—

1. The military resources of the Army National Guard called or ordered to active Federal service under the provisions of (a)1 above.

2. The military resources of the Army Reserve ordered to active duty to carry out the purposes of this regulation.

(c) The employment of forces that may be required to carry out the purposes of DOD Directive 3025.12.

(3) Develops Department of the Army civil disturbance plans as required.

(4) Develops and establishes command and control facilities for alerting, moving, prepositioning, and employing Federal Armed Forces for civil disturbance operations.

(5) Provides for communications electronics support for Department of the Army, Federal agencies, and Army task forces employed in civil disturbance operations.

(6) Receives determination by the Secretary or Under Secretary of the Army that there is a distinct threat of a civil disturbance beyond the capability of local and State authorities to control, and communicates authorization for employment of Army intelligence collection resources to ACSI.

(7) In coordination with appropriate Department of the Army and other Federal agencies, provides essential planning, operational, logistics, and intelligence data to the National Military Command Center (NMCC) and the Military Service command centers on a timely basis to insure that the National Command Authorities and appropriate Military Service command authorities are adequately informed.

(8) Develops procedures for review and coordination of all DOD components' directives, instructions, and plans affecting civil disturbance planning and operations to assure conformity with DOD policies and DOD Executive Agent policies.

c. Assistant Chief of Staff for Intelligence. Initiates Department of the Army orders for activation of Army intelligence resources in civil disturbance situations when informed by the Director of Military Support of authorization by the Secretary or Under Secretary of the Army.

3-2. Contingency planning

a. Commanders of major US Army commands and activities within the 50 States, District of Columbia, Commonwealth of Puerto Rico, and US possessions and territories, and National Guard State Adjutants General will develop and maintain appropriate civil disturbance plans.

b. The Department of the Army and subordinate commanders will, upon request of the State Adjutant General, advise and assist the National Guard of the several States, Commonwealth of Puerto Rico, and the District of Columbia in planning for civil disturbance operations. In connection with contingency planning, CONUS Army commanders will advise State Adjutants General of Department of the Army operations plans and supporting CONUS Army and task force plans. Direct coordination of planning between CONUS Army commanders and State Adjutants General is authorized.

3-3. Military commander

a. In case of employment of Federal Armed Forces, the task force commander will cooperate with and assist, to the fullest extent possible, the Governor and other State and local authorities and forces, unless or until such cooperation interferes with the accomplishment of his mission.

b. The task force commander will accept and, if reasonably possible within the framework of his orders, comply with requests for assistance received from duly constituted civil authorities. Even though the task force commander may direct subordinate elements of his command to assist designated civil authorities or police officials, military personnel will not be placed under the command of civilians, but will be commanded and controlled by their military superiors through the chain of command. This requirement does not preclude the establishment of joint patrols and jointly manned fixed posts.

c. In carrying out his duties, the military commander will insure that only the minimum necessary force is used to restore order. He will observe the policies outlined in his instructions and the provisions of Field Manual 19-15, Civil Disturbances. The commander will insure positive control over loading and firing of weapons.

3-4. Training requests

The Department of Justice is responsible for Federal efforts directed toward improving and evaluating the capabilities of local civil law enforcement authorities to deal with civil disturbances. The Department of the Army will assist this effort by providing limited training assistance through the Department of Justice when requested by civil law enforcement authorities. Such requests will not be approved at the local level, but will be referred to the nearest United States Attorney, Department of Justice.

Chapter 4 FUNDING AND REQUESTS FOR MILITARY RESOURCES

4-1. Funding and reporting

a. *Funding.* Participation of Federal Armed Forces in civil disturbance operations is an unprogramed emergency requirement. Therefore, costs incurred by the Army as a result of operations under the Department of the Army Civil Disturbance Plan will be financed as prescribed below—

(1) *Resources employed under Army direction.*

(a) *Employment of Active Army forces.* Unless specified as reimbursable in the Army directive, expenses incurred in connection with a civil disturbance will be financed as follows:

1. Cost for travel and transportation (except commercial or Military Airlift Command airlift), communications, supplies, and other operating costs will be financed from funds, which are normally used for such purposes of the command sponsoring the movement of troops, and/or providing the Government-owned transportation.

2. Cost for commercial or MAC airlift incurred in the movement of troops (including troops of other Services) will be funded by CON ARC under the Secretary of the Army's responsibility as DOD Executive Agent.

3. Cost of military pay, allowances, subsistence and other costs to military personnel appropriations of military personnel on active duty will be financed in the normal manner.

(b) *Employment of Army Reserve units ordered to active duty.* The policies prescribed in (a)1 and 2 above also apply to Army Reserve units. When the President determines that it is necessary to increase the number of Army personnel on active duty beyond the number for which funds are provided in current Army appropriations, the cost of such increased Army military personnel is authorized as an excepted expense in accordance with the provisions of 34 Stat. 255, 41 USC 11 (section III, AR 37-20).

(2) *Resources employed without Department of the Army direction.* When Army expenditures are required for the immediate employment of Army resources required in case of sudden and unexpected civil disturbances or other emergencies endangering life or Federal property or disrupting the normal processes of Government, or in protecting life or Federal property or preventing the disruption of Federal activities, such expenses will be chargeable to funds available to the installation or command. The policies prescribed in (1) above apply, except that the use of commercial or MAC airlift will be financed from funds available to the Military Service, which directed the movement of troops.

(3) *Resources provided to civil authorities.* Loan or sale of Army equipment to civil authorities will be handled as follows:

(a) Loan or disposition of equipment other than sales of surplus Army equipment will be made in accordance with policies established in paragraphs 4-3 through 4-5.

(b) Sales of surplus Army equipment will be made in accordance with, AR 37-108, AR 37-151, and AR 755-1.

b. *Reporting.* A Report of Civil Disturbance Operations Costs (RCS DD-A(AR) 1112) will be prepared in accordance with figure 4-1.

4-2. Military resources

Paragraphs 4-2 through 4-5 provide general guidance in providing US Army resources to State and local governments and law enforcement agencies, National Guard units not in Federal service, and Federal agencies.

a. Classification of resources.

(1) US Army resources are classified in three groups as follows:

(a) *Group One.* Personnel, arms, ammunition, tank-automotive equipment and aircraft.

(b) *Group Two.* Riot control agents, concertina wire, and other like military equipment to be employed in control of civil disturbances which is not included in group one.

(c) *Group Three.* Firefighting resources (including operating personnel); equipment of a protective nature (such as masks, helmets, body armor vests), and other equipment not included in groups one or two (such as clothing, communications equipment, searchlights); and the use of Army facilities.

(2) Requests for personnel to be used in a direct law enforcement role are not within the purview of this section and must be made by the legislature or Governor of a State in accordance with 10 USC 331. Pursuant to the Posse Comitatus Act, US Army operating personnel employed in connection with loaned equipment may not be used in it direct law enforcement role.

(3) Repair parts and POL items are classified according to the group of the equipment for which the parts of POL are intended.

b. Approval of request.

(1) Requests for US Army resources will be considered for approval as follows:

(a) Requests for group one resources may be granted only with the personal approval of the DOD Executive Agent or, when designated by him for that purpose, the Under Secretary of the Army.

(b) Requests for group two resources may be granted only with the personal approval of the DOI Executive Agent or, when designated by him for that purpose, the Under Secretary of the Army or a task force commander employed at an objective area during a civil disturbance.

(c) Requests for group three resources, may be granted by the Secretary or Under Secretary of the Army, commanding generals of CONUS Armies and the MDW, and CINC of unified commands outside CONUS.

1. Installation commander, are authorized to provide emergency explosive ordnance disposal service in accordance with AR 75-14 and AR 75-15.

2. Where installation fire departments have mutual aid agreements with nearby civil communities, the installation commander is authorized to provide emergency civilian or mixed civilian/military firefighting assistance. In the absence of a mutual aid agreement and when in the best interest of the United States, a commander with group three approval authority is authorized to provide emergency civilian or mixed civilian/ military assistance in extinguishing fires and in preserving life or property from fire, within the vicinity of an installation. In either case, civilian firefighters, may be used provided:

a. In civil disturbance situations where there is significant danger of physical harm to firefighters, the civilian employees volunteer for the assignment. (Department of the Army civilian employees acting in this volunteer capacity are acting as Federal employees.)

b. Firefighting equipment is not to be used for riot control.

c. Civil authorities recognize that prior to the employment of Federal forces to assist in restoring law and order, the protection of firefighting crews and equipment is the responsibility in ascending order, of municipal, county, and State officials. Failure on the part of such authorities to recognize this responsibility and/or to provide adequate protection will be grounds for refusal to employ installation resources or for withdrawal of resources already employed. This requirement in no way infringes upon the right of the individual to use necessary force to protect himself from violent attack.

(2) Requests for groups one, two, or three resources, and for renewal of outstanding loans, may be denied at any level in the chain of command down to and including commanders delegated group three approval authority.

(3) Commanders having initial approval authority may grant, for good cause shown, a single extension's an outstanding loan. Extensions of type I loans (c(1) below) will be for a maximum of 15 days. Extensions of type II loans (c(2) below) will be for a maximum term of 90 days. Further extensions will be approved only at military departmental level.

c. Categories of loan. Loans are categorized by type, contingent upon the duration of the loan period.

(1) *Type I.* To meet an urgent need during an actual disorder. Loans of this type will be for the duration of the disorder, tip to a maximum term of 15 days, renewable only as provided in b(3) above.

(2) *Type II.* To meet a need in anticipation of an imminent threatened civil disorder. Such loans may be granted to a civil authority when a binding purchase contract has been executed to procure resources substantially similar to the military property requested and there is substantial lead time before delivery. Loans of this type will be for the duration of the procurement period tip to a maximum term of 90 days, renewable. only as provided in b(3) above. The fact that a civil authority has submitted a purchase request for DOD surplus military equipment is not considered a binding

purchase contract without assurance from the Defense Logistics Services Center that the items for which the purchase request is made can be delivered to the civil authority within a 90-day period. See DOD Instruction 4160.23.

d. Reports. Civil Disturbances Report-Providing Resources to Civil Authorities, RCS DDA(AR) 1112 (fig. 4-2).

(1) Reports of all requests for Army resources (approved, denied, or pending) will be prepared by the appropriate approving authorities, using the format shown in figure 4-2, and forwarded through channels as follows:

(a) To Department of the Army (DACSMO-W) in the case of requests received in CONUS.

(b) To Department of the Army (DACSMO-W) with information copies to Joint Chiefs of Staff in the case of requests received by organizations or installations outside CONUS over which the commanders of unified commands exercise command authority.

(2) The DOMS Watch Team will transmit information copies of all approved requests for groups one and two resources to the DOD General Counsel and the Deputy Attorney General of the United States.

(3) A weekly summary will be compiled by DOMS from reports submitted by the Services and other DOD agencies, showing action taken (approved, denied, or pending) and submitted to the Deputy Attorney General; General Counsel, Department of Defense, Assistant Secretary of Defense (Installations and Logistics); Under Secretary of the Army; and the General Counsel, Department of the Army. Negative summary reports are required.

4-3. Loans to State and local governments and law enforcement agencies

a. Policy. As a temporary emergency measure, US Army resources under the control of the Department of the Army may be loaned to State and local governmental bodies and law enforcement agencies for use during civil disturbance operations.

b. Processing of requests. Requests from officials of the 50 States,* the Commonwealth of Puerto Rico, and US possessions and territories, or any political subdivision thereof, for military resources for use in connection with civil disturbances will be promptly forwarded through channels to the appropriate approving authority (commanders of unified commands will coordinate such requests originating from areas outside CONUS) using the format shown in figure, except as noted below—

Note. *For loan purposes, the District of Columbia will be governed by paragraph 4-5. Loan to the government of the District of Columbia will be governed by this paragraph.

(1) Requests for resources that require DOD Executive Agent approval will be forwarded through channels to Department of the Army (DACSMO-W).

(2) Requests for group three resources not available to commanders having approval authority will be forwarded through channels to Department of the Army (DACSMO-W). Intermediate commands will, as appropriate, approve and make available the requested resources.

(3) Requests received by personnel of Defense agencies will be referred to local military commanders for processing.

(4) Requests will be forwarded and processed in keeping with the degree of urgency dictated by the situation.

(5) Requests from civil law enforcement agencies for training assistance, related to the control of civil disturbances will not be approved at the local level. Such requests should be referred to the nearest United States Attorney, Department of Justice.

c. Loan agreements. Written agreements will be executed concurrently with all loans of US Army property to civil authorities.

(1) Loan agreements will include provisions for a fidelity bond in the amount of the total current item price of the loaned property.

(a) The fidelity bond will be (generally governed by the provisions of Part 2 of Sec. X, ASPR, and will consist of properly executed Standard Form 25 (Performance bond) or certified bank check, or cash or negotiable US bonds deposited with the Treasurer of the United States. The fidelity bond need not be posted by the borrowing agency itself; so long as the bond is valid, the source or originating agency is immaterial. For example, in order to secure a loan, a State may post bond on behalf of a city, county, or other governmental body or authority within the State.

(b) In an extreme emergency, when the requirement of posting bond would unduly delay approval of a valid request for loan of military property involving a total current item price of \$1,000 or less, a commander having approval authority under paragraph 4-2b may approve the request on the condition that bond be posted within a reasonable time not to exceed five days. Absolute waiver of the requirement to post bond will be granted only by the Secretary of the Army or his designee.

(c) Bond will be forfeited on account of failure to return loaned property only with the concurrence of the DOD Executive Agent. Requests for authority to forfeit bond will be transmitted to Department of the Army (DACSMO-W) who will refer them to the proper authorities for action.

(2) A sample loan agreement is provided at figure 4-3.

(a) This format is for type I loans. For type II loans, the format is modified by substituting paragraph 2, figure 4-4 and adding exhibit IA, figure 4-5.

(b) When a cash deposit is used in lieu of a properly executed Standard Form 25, Performance Bond, this format is modified by substituting paragraph 7, figure 4-6.

(c) Modifications of the loan agreement format, except as authorized in this regulation, will be made only with the approval of the Under Secretary of the Army or his designee.

4-4. Loans to the National Guard

a. Policy.

(1) Commanders having group three approval authority under paragraph 4-2b are authorized to approve requests for the loan of Army resources, less personnel, regardless of classification under paragraph 4-2a, of Active and Reserve forces to the National Guard of a State or the District of Columbia for use of its units in an active duty status in anticipation of or during civil disturbances. Firefighting and explosive ordnance disposal support may be provided, as a complete resource, to include personnel.

(2) Loans of Army resources will be approved, if possible, when the National Guard is authorized such resources and the Department of the Army is unable to provide them on a permanent basis. The National Guard of the several States, the Commonwealth of Puerto Rico, and the District of Columbia will be responsible for reimbursement of costs over and above normal Department of the Army operating expenses incurred in connection with loaned Department of the Army equipment. Guidance contained in paragraph 6, figure 4-3 pertaining to loans to civil authorities is also applicable to reimbursement by the National Guard.

(3) Military property issued or loaned to the National Guard may not be farther loaned in connection with civil disturbances without approval of the National Guard Bureau and the DOD Executive Agent. Requests to do so will be forwarded to Department of the Army (DACSMSO-W).

b. Processing of request. Requests for US Army resources received from the National Guard will be promptly submitted through channels to the appropriate approving authority using the format shown in figure 4-2, except as noted below:

(1) Requests for resources that require DOD Executive Agent approval will be forwarded through channels to Department of the Army (DACS-MSO-W).

(2) Requests for resources not available to commanders having group three-approval authority will be forwarded through channels to Department of the Army (DACS-MSO-W). Intermediate commands will, as appropriate, approve and make available the requested resources.

(3) Requests for equipment, which involves operating personnel, excluding firefighting and explosive ordnance disposal, will be processed as a group one Army resource.

c. Loan receipt. The Receiving State will receipt for loaned Army property by completing the format shown at figure 4-7.

4-5. Loans to Federal agencies

a. Policy.

(1) Commanders having group three approval authority under paragraph 4-2b are authorized to approve requests for the loan of group three military resources, less personnel, of Active and Reserve forces to non-DOD Federal agencies in anticipation of or during civil disturbances. Firefighting and explosive ordnance disposal support may be provided as a complete resource, including personnel.

(2) As required by 31 USC 686, Federal agencies will be responsible for reimbursement of costs in addition to normal Department of the Army operating expenses which are incurred in connection with loaned property. Reimbursement will be in accordance with AR 700-49 and DSAR 4140.27, except that Federal agencies shall not be required to make any payment on account of fair wear or tear or normal depreciation of any of the property.

(3) Army property loaned to Federal agencies may not be further loaned without the approval of the director of the requesting agency and the DOD Executive Agent. Requests to do so will be forwarded to Department of the Army (DACSMSO-W).

(4) Loans to the US Secret Service will be in accordance with AR 1-4.

b. Processing of request. Requests for US Army resources received from Federal agencies will be promptly submitted through channels to the appropriate approving authority using the format shown in figure 4-2, except as noted below:

(1) Requests for resources that require DOD Executive Agent approval will be forwarded through channels to Department of the Army (DACS-MSO-W).

(2) Requests for resources not available to commanders having group three-approval authority will be forwarded through channels to Department of the Army (DACS-MSO-W). Intermediate commands will, as appropriate, approve and make available the requested resources.

(3) Requests for equipment, which involve operating personnel excluding firefighting and explosive ordnance disposal, will be processed as for a Group One Army resource.

c. Loan agreements. Written agreements will be executed concurrently with all loans of Army property to Federal agencies in connection with civil disturbances.

(1) Neither fidelity bonds nor binding purchase contracts are required.

(2) A sample loan agreement is provided at figure 4-3. The words "Federal agencies" will be substituted for "civil authority." Other modifications to suit the sample format for use by Federal agencies may be made as necessary.

**REPORT OF CIVIL DISTURBANCE OPERATIONS COST
(US ARMY) (RCS DD-A(AR)1112)**

1. REQUIREMENTS

Costs* reports will be submitted to Headquarters, Department of the Army, (DACA-FI), for the purpose of meeting requirements for staff information, reprogramming, or requesting additional funds to meet increased Army expenses resulting from costs associated with civil disturbance operations.

2. SUBMITTING AGENCIES

All Army commands, agencies, and the Army General Staff will submit the required reports when expenses have been incurred that are attributable to civil disturbances.

3. REQUIRED COST REPORTS

Initial report (estimated costs) will be submitted within 24 hours of a time to be designated by DOMS. The final report (actual costs) will be submitted within 12 working days after the termination of the redeployment phase of the civil disturbance operation. Reporting instructions ("as of" and due dates) will be disseminated by DOMS message.

4. REIMBURSABLE COSTS

Operations costs for civil disturbances are payable from funds of agencies providing resources. To enable prompt reimbursement for resources, billing for reimbursable incremental costs will be accomplished within 30 days of submission of the final report of actual costs.

5. INTERIM REPORTS

Interim reports may be required of a civil disturbance operation requires lengthy deployment of military forces. These interim reports, if required, will be requested by message or telephone. Interim reports will be based on the best cost information available at the time.

6. PREPARATION INSTRUCTIONS

a. General. Costs will be identified and reported as normal operating costs, incremental costs, and total costs. Normal operating costs are those costs which would have been incurred in the absence of a civil disturbance. Incremental costs are those costs which would not have been incurred in the absence of a civil disturbance.

(1) Cost reports will include data reported separated for each city or location in which Federal forces are employed in civil disturbance operations. Costs shown will be net costs for each component, i.e., they will include and identify costs reimbursable to other DOD components or agencies and costs reimbursable to the reporting component or agency by other DOD components or agencies.

*Costs are synonymous with obligations.

Figure 4-1. REPORT OF CIVIL DISTURBANCE OPERATIONS COST (US ARMY) (RCS DD-A(AR)1112)

(2) Report separately plus and minus reimbursable adjustments, between reporting component or agency and non-DOD Government agencies or civil authorities.

(3) Report the number of active duty military personnel, National Guard personnel, called to active Federal service and Reserve personnel ordered to active duty, employed as of the end of the month, unless the reporting period is less than a month (30 days). If less than a month, report the beginning and ending strengths for the reporting period. Data will reflect officer and enlisted strengths separately.

δ. Negative reports will not be submitted.

7. FORMAT

a. Dollar costs:

(Thousands of \$)					
	<u>Total</u>	<u>Normal</u>		<u>Incre- mental</u>	
			<u>Reim- burse- ment to others</u>	<u>Reim- burse- ment from others</u>	<u>Net</u>
(1) Military personnel, Army.					
(a) Active duty.	_____	_____			
(b) National Guard called to Federal service and mobilized Reserve.					
(c) NGPA (Savings)	(____)		_____	_____	_____
(d) RPA (Savings)	(____)				
TOTAL MPA	_____	_____	_____	_____	_____
(2) Procurement of equipment and missiles, Army.					
(a) Issues to military forces.	_____		_____	_____	_____
(b) Assistance to other Federal agencies (Identify separately by agency).					
TOTAL PEMA	_____		_____	_____	_____
(3) Operation and maintenance, Army.					
(a) Temporary duty costs.	_____		_____	_____	_____
1. Military.	_____		_____	_____	_____
2. Civilian.	_____		_____	_____	_____
(b) Civilian overtime.	_____		_____	_____	_____
(c) Transportation.	_____		_____	_____	_____
1. USAF transportation.	_____		_____	_____	_____

Figure 4-1. REPORT OF CIVIL DISTURBANCE OPERATIONS COST (US ARMY) (RCS DD-A(AR)1112)—Continued

(Thousands of \$)							
		<u>Total</u>	<u>Normal</u>			<u>Incremental</u>	
				<u>Reim-</u>	<u>Reim-</u>	<u>Reim-</u>	<u>Net</u>
				<u>burse-</u>	<u>burse-</u>	<u>burse-</u>	
				<u>ment</u>	<u>ment</u>	<u>ment</u>	
				<u>to</u>	<u>from</u>	<u>from</u>	
				<u>others</u>	<u>others</u>	<u>others</u>	
2. Military motor transportation.							
3. Army Air transportation.		_____		_____	_____	_____	_____
(d) Assistance to other Federal agencies (identify separately by agency).		_____		_____	_____	_____	_____
(e) Support to other DOD components and agencies (identify separately).		_____		_____	_____	_____	_____
(f) Support to National Guard on State status.		_____		_____	_____	_____	_____
(g) Support to civilian law enforcement agencies (identify separately by agency).		_____		_____	_____	_____	_____
(h) Construction costs (identify individual line items whose cost exceeds \$500 per line).		_____		_____	_____	_____	_____
(i) Material and supplies.		_____		_____	_____	_____	_____
(j) Other OMA costs (identify individual line items whose cost exceeds \$500 per line).		_____		_____	_____	_____	_____
TOTAL OMA		_____		_____	_____	_____	_____
b. Number of forces employed.							
Active		Reserve		Federalized National Guard		Total	
Off	Enl	Off	Enl	Off	Enl	Off	Enl
_____	_____	_____	_____	_____	_____	_____	_____

Figure 4-1. REPORT OF CIVIL DISTURBANCE OPERATIONS COST (US ARMY) (RCS DD-A(AR)1112)—Continued

**CIVIL DISTURBANCES REPORT—PROVIDING RESOURCES TO
CIVIL AUTHORITIES, RCS DD-A(AR)1112**

1. All requests for assistance received, whether denied, approved or forwarded for approval, will be reported promptly (Reports Control Symbol DD-A(AR) 1112) in the following format:

- a. DOD organization receiving request.
 - b. Place (city, town, village, county) of actual or anticipated civil disturbance.
 - c. Name and title of requesting official.
 - d. Date-time group (ZULU), request for assistance was received.
 - e. Scope of the disturbance or the threat of such a disturbance existing at the time of the request.
 - f. Type, group, and quantities of assistance requested.
 - g. Purpose for which the assistance was requested.
 - h. Anticipated duration the assistance will be required.
 - i. Anticipated impact on local community relations resulting from approval/disapproval of the request.
 - j. Statement as to whether the request was granted or denied (including date-time group (ZULU) of notification to requester) and the level at which the decision was made.
 - k. Reasons for denying or referring the request to higher headquarters.
 - l. If request referred to higher headquarters, provide a recommendation and comments, as appropriate, for approval or denial based upon knowledge of facts at hand.
 - m. If appropriate, provide additional information on emergency fire-fighting assistance provided in a civil disturbance situation.
 - n. Other pertinent information, e.g., effect on ability to perform assigned missions and if so, the extent and duration; category and duration of loan; and ability to provide items requested.
- 2. Appropriate security classification will be placed on this document when completed.**

Figure 4-2. CIVIL DISTURBANCES REPORT-PROVIDING RESOURCES TO CIVIL AUTHORITIES, ROS DD-A(AR)1112

LOAN AGREEMENT

This loan agreement is entered into by and between the United States of America, hereinafter called the Government, represented by (Name and title of military representative) for the purpose of entering into this agreement, and (City, county, State or other government body or authority) a (Definition) organized and existing under the authority of (Governing law), hereinafter called the civil authority, represented by (Name and title of civil authority's representative) for the purpose of entering into this agreement.

1. PURPOSE

Under the authority of Department of Defense Directive 3025.12, and in consideration of the premises, the Government hereby lends to the civil authority and the civil authority hereby borrows from the Government the Government property, hereinafter called the property, listed and described in exhibit I hereto attached and incorporated by reference into the terms of this agreement, which property is required by the civil authority to assist in maintaining public civil order in the area over which it has jurisdiction.

2. TERM

This loan of property is intended to meet an urgent need during actual civil disorder. The civil authority shall keep the property only for the actual duration of the disorder and in no case longer than 15 days after the date of this loan agreement, unless this agreement shall be renewed. Nevertheless, the Government may revoke and terminate this agreement and demand return of the property in whole or in part at any time.

3. LIABILITY FOR USE OF PROPERTY

The Government shall make every effort to see that each item of the property is furnished in serviceable and usable condition according to its originally intended purpose. Nevertheless, the Government makes no warranty or guarantee of fitness of any of the property for a particular purpose or use, or warranty of any other type whatsoever. The civil authority assumes all responsibility for any liability or claims arising from the transportation, use, or possession of the property during the term of this loan, and agrees to hold the Government harmless from any such liability or claims.

4. CARE OF PROPERTY

The civil authority is responsible for the care of the property during the term of this loan. The civil authority shall transport, use and store the property with due care and diligence. The civil authority shall safeguard and secure any high value items, any sensitive serial numbered items, and any arms and ammunition loaned by the Government in substantially the same manner as would the Government under its applicable regulations. The civil authority shall not mortgage, pledge, assign, transfer, sublet, or part with possession of any of the property in any manner to any third party either directly or indirectly, except that this provision shall not preclude the civil authority from permitting the use of the property by a third party with the prior written approval of the Government. The civil authority shall neither make nor permit any modification

Figure 4-3. LOAN AGREEMENT

to any of the nonexpendable property. At all times the Government shall have free access to all of the property for the purpose of inspecting or inventorying it.

5. RETURN OF PROPERTY

The nonexpendable property, and all of the expendable property which has not been expended, shall be returned by the civil authority to the Government at the expiration or termination of this loan.

6. PAYMENT

The civil authority shall reimburse the Government for expenses incurred in connection with this loan, as provided below :

a. Transportation expenses. The civil authority shall reimburse the Government for any expenses for movement of the property incurred by the Government incident to this loan, including those for necessary packing and crating, movement of the property from (Location) to (Location where the property will be used), and return of the property to (Location).

b. Repair expenses. The civil authority shall reimburse the Government for any expenses necessary to repair, rehabilitate, or replace parts of any of the property following its return to the Government, except that the civil authority shall not be required to make any payment on account of fair wear and tear or normal depreciation of any of the property.

c. Replacement expenses. The civil authority shall reimburse the Government (as indicated and at the price shown on Exhibit I) for the cost of all of the expendable property (including but not limited to petroleum, oil, and other lubricants) used or consumed during this loan, and for any of the property lost, destroyed, damaged beyond repair, or otherwise not available for return or not returned to the Government.

d. Personnel expenses. The civil authority shall reimburse the Government for costs incident to the pay of additional civilian personnel who may be temporarily required in connection with the loaned property, overtime pay of civilian personnel, and travel and per diem expenses of civilian and military personnel.

7. BOND

The civil authority has provided a performance bond in the amount of the total value of the property as shown on Exhibit I, which performance bond is marked Exhibit II hereto attached and incorporated by reference into the terms of this agreement.

a. Should the civil authority fail to return any of the property as provided in paragraph 5 above, or fail to reimburse the Government within 30 days after receiving a request for payment of expenses, the bond shall be forfeited as liquidated damages in the amount equal to the expense to the Government computed in accordance with paragraph 6 above.

b. Payment of liquidated damages by forfeiture of any portion of the bond to the Government shall not operate as a sale to the civil authority of any of the property available to be returned but not returned to the Government, nor to extinguish the Government's right to have the available missing property returned.

Figure 4-3. LOAN AGREEMENT—Continued

c. Should the civil authority later return to the Government any of the missing property on account of which a portion of the bond was forfeited as liquidated damages, the civil authority shall be entitled to recoup from the Government a sum equal to 90% of the price of the late returned property as shown on Exhibit I, less an amount in payment for expenses, if any, computed in accordance with paragraph 6 above, and less an amount for depreciation. If the normal life expectancy of an item can be determined by reference to applicable military publications, the amount for depreciation shall be computed by the straight line method, using the price shown on Exhibit I and the date of expiration or termination of this loan as initial points. When normal life expectancy is not established by applicable military publications, the amount for depreciation shall be computed by the same method, applying a uniform depreciation rate of 50% per annum.

8. OFFICIALS NOT TO BENEFIT

No member of or delegate to Congress shall be admitted to any share or part of this loan, or to any benefit arising in connection with it.

9. CONTINGENCY FEES

No persons or agency acting for or on behalf of the civil authority to solicit or obtain this loan shall be paid any commission, percentage, brokerage, or contingent fee in any way connected with this loan.

10. DISPUTES

Any disputes concerning a question or fact arising under this loan agreement which are not disposed of by mutual agreement shall be decided by the Secretary of the Army as the Government's Executive Agent for civil disturbance matters, or by his designee.

Done at (Place) this (Date) day of (Month) 19 (Year).

FOR THE GOVERNMENT:

FOR THE CIVIL AUTHORITY:

(Name and Title)

(Name and Title)

Figure 4-3. LOAN AGREEMENT—Continued

CERTIFICATE

I, the (Title) of the (City, county, State or other governmental body or authority), named as civil authority in this loan agreement, certify that (Name), who signed this agreement on behalf of the civil authority, was then (Title) of (City, county, State, or other governmental body or authority) and that this loan agreement was duly signed for and on behalf of (City, county, State, or other governmental body or authority) by authority of its governing body and is within the scope of its lawful powers. In witness whereof I have hereunto affixed my hand and seal of (City, county, State, or other governmental body or authority) this (Day) day of (Month) 19 (Year)

(OFFICIAL SEAL)

(Name and title of certifying officer)

EXHIBIT I

MILITARY PROPERTY OF THE UNITED STATES

<u>FEDERAL</u> <u>STK NO</u>	<u>NOMEN-</u> <u>CLATURE</u>	<u>QUAN-</u> <u>TITY</u>	<u>CURRENT ITEM</u> <u>PRICE, EACH</u>	<u>TOTAL</u> <u>PRICE</u>
---------------------------------	---------------------------------	-----------------------------	---	------------------------------

GRAND TOTAL

EXHIBIT II

Properly executed Standard Form 25, Performance Bond (June, 1967, ed.), or evidence of deposit acceptable in accordance with part 2 of sec X, ASPR, in the amount of the grand total shown on Exhibit I.

Figure 4-3. LOAN AGREEMENT—Continued

SUBSTITUTE PARAGRAPH 2

(For use when the civil authority has initiated procurement action and the term of the loan is to be longer than 15 days.)

2. TERM

This loan of property is intended to meet an urgent need connected with threatened civil disorder. The civil authority hereby covenants and certifies that it has made a binding purchase contract to procure for itself certain public property as listed and described on Exhibit IA hereto attached and incorporated by reference into the terms of this agreement, and that the Government property which is the subject of this loan agreement, is required as a substitute only until delivery of the civil authority's own property listed and described in Exhibit IA. The civil authority shall keep the Government property only until delivery of its own property, and in no case longer than 90 days after the date of this loan agreement, unless this agreement shall be renewed. Nevertheless, the Government may revoke and terminate this agreement and demand return of the property in whole or in part at any time.

Figure 4-4. SUBSTITUTE PARAGRAPH 2

EXHIBIT 1A

PROPERTY BEING PROCURED BY CIVIL AUTHORITY

<u>NOMENCLATURE</u>	<u>QUANTITY</u>	<u>SOURCE</u>	<u>DATE ORDERED</u>
----------------------------	------------------------	----------------------	--------------------------------

Figure 4-5. EXHIBIT 1A

SUBSTITUTE PARAGRAPH 7

(To be used when the civil authority posts bond in the form of a cash deposit as an alternative to a properly executed Standard Form 25, Performance Bond.)

7. CASH DEPOSIT

The civil authority has deposited with the Government an amount of money which is equal to the total price of the property as shown on Exhibit I, which deposit is evidenced by Exhibit II hereto attached and incorporated by reference into the terms of this agreement.

a. Not later than 60 days after the expiration or termination of this agreement this deposit shall be returned to the civil authority, less an amount to compensate the Government for its expenses computed in accordance with paragraph 6 above.

b. Retention of a portion of the deposit by the Government shall not operate as a sale to the civil authority of any of the property available to be returned but not returned to the Government, nor to extinguish the Government's right to have the available missing property returned.

c. Should the civil authority later return to the Government any of the missing property on account of which a portion of the deposit was withheld by the Government, the civil authority shall be entitled to recoup from the Government a sum equal to 90% of the price of the late returned property as shown on Exhibit I, less an amount in payment for expenses, if any, computed in accordance with paragraph 6 above, and less an amount for depreciation. If the normal life expectancy of an item can be determined by reference to applicable military publications, the amount for depreciation shall be computed by the straight line method, using the price shown on Exhibit I and the date of expiration or termination of this loan as initial points. When normal life expectancy is not established by applicable military publication, the amount for depreciation shall be computed by the same method, applying a uniform depreciation rate of 50% per annum.

Figure 4-6. SUBSTITUTE PARAGRAPH 7

(Date) _____

LOAN RECEIPT

As the authorized representative of the Adjutant General, State of (State), I acknowledge receipt from (Lending unit) this date, of the property described below, temporarily loaned to the National Guard of (State), under the provisions of the Department of the Army Civil Disturbance Plan dated _____.

<u>FEDERAL STOCK NO.</u>	<u>NOMENCLATURE</u>	<u>QUANTITY</u>
--------------------------	---------------------	-----------------

It is understood that the National Guard of the State of (State) is responsible for the cost of transportation, repair, rehabilitation or replacement of the above property utilizing State funds. It is also understood that the use of this property is subject to the following limitations:

Signature of AG Representative

Figure 4-7. LOAN RECEIPT

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